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## FAX COVER SHEET

April 16, 2002



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FROM Jeffrey R. Stone  
PHONE (651) 223-6441

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If you have problems receiving these pages, please contact us at 651-223-6645

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(651) 223-6441

WRITER'S E-MAIL

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April 16, 2002

**VIA FACSIMILE (703) 746-4060**

OIPE Box Duplicate Papers  
Commissioner for Patents  
Washington, D.C. 20231

<b>Re:</b>	<b>Application No:</b>	<b>09/944,823</b>
	<b>Filed:</b>	<b>08/31/01</b>
	<b>Inventor:</b>	<b>Borchert, Bernd</b>
	<b>Applicant:</b>	<b>Infineon Technologies NA</b>
	<b>English Title:</b>	<b>Semiconductor Laser Chip and Method for Fabricating a Semiconductor Laser Chip</b>
	<b>Attorney Docket No:</b>	<b>32226.12</b>

Dear Sir or Madam:

Enclosed please find copies of the following related to the above-referenced case:

1. A copy of the Notice to File Missing Parts, mailed 10/09/01;
2. A copy of the Notice of Incomplete Reply (nonprovisional), mailed 04/08/02;
3. A copy of a Declaration filed by first class mail on December 4, 2001 in this case, together with certificate of mailing stamp; and
4. A copy of the post card proving filing of the Declaration in December, 2001.

Please include the enclosed Declaration in file 09/944,823.

Very truly yours,

Jeffrey R. Stone

JRS/maf  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

APR 16 2002

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/944,823	08/31/2001	Bernd Borchert	32226.12

CONFIRMATION NO. 3378

## FORMALITIES LETTER

\*OC00000006870546\*

Infinion Technologies North America Corp.  
c/o Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

Date Mailed: 10/09/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

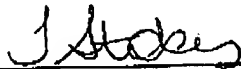
FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

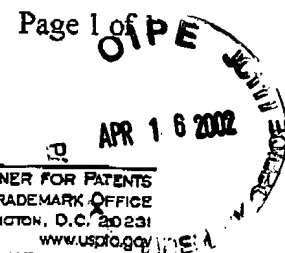
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(l), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- The balance due by applicant is \$ 260.
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/944,823	08/31/2001	Bernd Borchert	32226.12

CONFIRMATION NO. 3378

## FORMALITIES LETTER



\*OC000000007809224\*

Craig Gregersen  
Briggs and Morgan, P.A.  
W2200 First National Bank Building  
St. Paul, MN 55101

Date Mailed: 04/08/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 01/17/2002 to the Notice to File Missing Parts (Notice) mailed 11/20/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

A copy of this notice **MUST** be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Rec'd USMA 4-15-02  
(post 4/8)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 16 2002

Inventor: Borchert, Bernd )

PATENT

Serial No: 09/944823 )

Art Group Unit: 20954

Filing Date: August 31, 2001 )

Examiner:

Title: Halbleiterlaserchip und Verfahren zum  
Hartselle eines Halbleiterlaserchips )FILING OF DECLARATION AND  
POWER OF ATTORNEY(Semiconductor laser chip and method  
for fabricating a semiconductor laser  
chip) )Honorable Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed herein please find the following documents relating to the referenced pending U.S. Patent Application:

1. Declaration and Power of Attorney.
2. Notice to File Missing Parts of Nonprovisional Application.
3. Please charge any amounts required by this filing to Deposit Account No. 02-3732.

EXTENSION OF TIME

Applicants believe that no time extension is necessary in order to make this response timely. Should Applicants be in error, Applicants respectively request such time extension as necessary to make this response timely and hereby authorizes the U.S. Patent and Trademark Office to charge Deposit Account 02-3732 for any necessary fees in respect to said time extension.

Respectfully submitted,  
by their attorney,

Date:

4 December 2001

By:

Craig Gregeisen  
Craig Gregeisen  
Briggs and Morgan  
2200 1st National Bank Building  
332 Minnesota Street  
St. Paul, MN 55101

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to the Commissioner of Patents and Trademarks, c/o Assistant Commissioner of Patents, Washington, D.C. 20231 on Dec. 4, 2001

David L. Williams

Signature

Attorney Ref. 32226.12

T 22529



# Declaration and Power of Attorney for Patent Application Erklärung für Patentanmeldungen mit Vollmacht

## German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprüngliche, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel Beantragt wird:

deren Beschreibung hier beigelegt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

wurde angemeldet am \_\_\_\_\_  
unter der US-Anmeldenummer oder unter der  
Internationalen Anmeldenummer im Rahmen  
des Vertrags über die Zusammenarbeit auf dem  
Gebiet des Patentwesens (PCT)  
\_\_\_\_\_ und am  
\_\_\_\_\_ abgeändert (falls  
zutreffend).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Halbleiterlaserchip und Verfahren zum Herstellen eines Halbleiterlaserchips**

the specification of which was filed August 31, 2001 and assigned United States Patent Application Serial No. 09/944,823

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein;

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a), including any public use, sale, or

**German Language Declaration**

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslands-anmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

Prior Foreign Applications  
(Frühere ausländische Anmeldungen)

(Number)	(Country)
(Nummer)	(Land)

(Number)	(Country)
(Nummer)	(Land)

Ich beanspruche hiermit die mirunter Title 35, US-Code, § 120 zustehenden Vorteilen aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet

offer for sale of the disclosed invention occurring more than one year prior to the filing date of this application.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed and have identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

No.	Country	Day/Month/Year Filed	Yes
10042904.1	Germany	August 31, 2000	

No.	Country	Day/Month/Year Filed	Yes
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional Application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

## German Language Declaration

des Patentwesens (PCT) gültigen internationalen  
Anmeldetags bekannt geworden sind

(Application No.)  
(Aktenzeichen)

(Filing Date)  
(Anmeldetag)

(Status) – (patented, pending, abandoned)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

**VERTRETUNGSVOLMACHT:** Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: (Name(n) und Registrationsnummer(n) auflisten)

Postanschrift:

Telefonische Auskünfte: (Name und Telefonnummer)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, BRIGGS and MORGAN and Craig M. Gregersen, Registration No. 31,832, my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continuation, continuation-in-part, or divisional thereof.

All communications shall be addressed to:

Craig M. Gregersen  
BRIGGS and MORGAN  
332 Minnesota Street  
2200W 1<sup>st</sup> National Bank Building  
St. Paul, MN 55101

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-referenced specification and claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of



German Language Declaration	
	attorney and this petition.
Vor-und Zuname des einzigen oder ersten Erfinders	Full name of first inventor: Dr. Bernd Borchert
Unterschrift des Erfinders                      Datum	Inventor's signature:
Wohnsitz	<u>Bernd Borchert</u>
Staatsangehörigkeit	Date: <u>November 20th, 2001</u>
Postanschrift	Residence (City/State): Am Mühlbachbogen 44F 85368 Moosburg, Germany
Vor-und Zuname des zweiten Miterfinders (Falls zutreffend)	Mailing Address: Moosburg, Germany
Unterschrift des zweiten Erfinders      Datum	Citizenship: Germany
Wohnsitz	Attorney Reference No. 32226.12
Staatsangehörigkeit	
Postanschrift	
(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)	

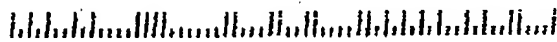
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332 Minnesota Street  
St. Paul, MN 55101



Craig M. Gregersen  
BRIGGS AND MORGAN  
2200 First National Bank Bldg.  
332 Minnesota Street  
St. Paul, MN 55101



02



Receipt is hereby acknowledged of the following documents for the utility patent application:

Applicant(s): Dr. Bernd Borchert  
For: Halbleiterlaserchip und Verfahren zum Hartselle eines  
Halbleiterlaserchips (Semiconductor laser chip and method for  
fabricating a semiconductor laser chip)  
Filed: Herewith on December 3, 2001  
Ser. No. 09/944823

Documents:

Filing of Declaration and Power of Attorney; Notice to File Missing Parts of  
Nonprovisional Application  
Filed Under: Infineon Technologies North America Corp. (P 22529 US)  
Matter No. 32226.12

1343597v1

